

tain, they state that they supposed it was simply to answer to their names, which they did, and then passed immediately forward to their work.

After a careful examination of the evidence, I am satisfied that the master of the "Young America" did pay the shipping master in San Francisco the wages of the complainants, as stated by him, and hence I cannot issue the process prayed for. But, say the complainants, the shipping articles don't show that we have been paid, and how, with them before you, can you come to such a conclusion? The shipping articles, I answer, are entirely unworthy of serious consideration in this case, when compared with the evidence of the master and others; for they are nothing but a loose, informal piece of paper, bearing no date, and according to the evidence of both parties, false in more respects than one. The articles show that the complainants are shipped by the month, while according to the evidence of both master and mariners, they were shipped "by the run." At first I, in my opinion, the shipping master, who evidently drew up this loose, hasty paper, intended to place the "500" set opposite the names of the respective complainants, in the column of "advance wages;" but by mistake placed it in the next column of "wages per month," and hence arises the error.

But, notwithstanding I believe the Captain has paid the shipping master all the wages of the complainants, still, I do not believe that the seamen ever received a cent of that money. At first I thought they were indebted to a boarding master, who was present in the cabin when they were called below, and that his bill had swallowed up their wages, but it seems the complainants were stolen by the shipping master from a French ship, just arrived, and transferred to the "Young America," without ever having been ashore in San Francisco, and in that case, there should have been no bill against them. What I do believe is, that the shipping master, though he received the wages from Capt. Babcock, never paid them to the men; and when they were called into the cabin and nodded their heads, as Harley says, to the question put to them by the shipping master, they supposed that they merely answered to their names; for, evidently they understood next to nothing of the English language. I believe that the complainants, in their anxiety to escape from the French ship, in order to better themselves, as they say, in the "Young America," surrendered themselves into the hands of an unscrupulous agent, who, taking advantage of their ignorance, has cheated them out of their money, and perhaps left them without a remedy, unless as against him.

But, after all, I may be mistaken; and although I cannot conscientiously grant a process against the vessel, the complainants may still sue the Captain for their wages; and taking into consideration the reasons there are to believe that the complainants have not been paid by the shipping master, as well as to avoid the expense, inconvenience and vexation of further litigation, I would advise the master to present the complainants ten or fifteen dollars each. It seems to me equity requires that they should not be turned away penniless.

J. D. BAIR, Esq., Proctor for Complainants.  
A. B. BARR, Esq., Proctor for Defendant.

The master gave the complainants \$10 each, agreeably with the advice of the Court.

Honolulu, Dec. 12, 1853.

## THE POLYNESIAN

SATURDAY, DECEMBER 17, 1853.

Several errors having occurred in printing the decision of Chief Justice Lee in our last, we have corrected them, and reprint it, on our first page to-day. His decision in another admiralty case will also be found in connection with the former, on our first page.

**The Whaling fleet.**  
From the Whaler's Shipping List, published by H. M. Whitney on the 12th inst. we derive the following facts.

The number of whale-ships which have visited these islands from Aug. 24th to the 7th of December and reported in the List, is 251. The amount of oil and bone in the same is 20,557, bbls. sperm, 359,795 bbls. whale, 3,367,500 lbs. bone.

The number of ships bound home from the islands is about eighty.

The average catchings of 130 ships, which have cruised in the Arctic ocean is about 580 barrels this season; while the Ochotsk fleet give an average of about 1,550 barrels. The average of the whole fleet of right whalers this season is, (estimated four-fifths of the oil, and five-sixths of the bone as taken during the season), 1,179 barrels whale oil, and 11,120 lbs. bone. In the season of 1852 the average was 1,244 barrels oil, and 15,815 lbs. bone.

The loss of the Marcus, Susan and Liverpool 2nd, are all that are distinctly known, though it is supposed the ship Monongahela, Capt. Seabury, of N. Bedford, is lost, as she was 80 miles within the straits when the ice was seen by the Copia to close in and block up the straits, rendering it impossible for a ship to work through.

The following vessels have sustained light damages, such as loss of copper, cut-water &c., Barks Prudent and Sarah Sheaf, ships Orozimo, Mannel Ortiz, Marengo and Waverly. The barks Wm. T. Wheaton, Endeavor and Delaware, and the ship Bengal, will require more extensive repairs, which will detain them in port some months.

The following vessels have taken freight at this port, and already sailed. The whaleships mentioned, having taken, in addition to what they had on board of their own catching, oil and bone from other ships; viz. The Electra, Hannibal, Chas. Carroll, Robert Morrison, Catherine, Corinthian, Roman, India, Columbus, Helen Augusta, Gladiator, Wm. Hamilton, Mary & Susan; and the merchant ships Harriet Hoxie, Shooting Star, Mechanics Own, Montauk, and bark Bering.

The above ships took cargo, besides what they had on board, amounting to 15,949 gallons sperm oil, 925,611 gallons whale oil, and 728,262 lbs. bone.

The following merchant ships are yet in port, loaded or loading for the United States, and will all sail during the month. Young America, Benj. Howard, Chilo, Corea and Kremlin. It is estimated that they will take 718,000 gallons whale oil, and 700,000 lbs. bone—making a total of shipments from this port, of 15,949 gallons sperm oil, 1,643,611 gallons whale oil, and 1,429,262 lbs. bone. All the merchant ships taking freight are first class, and several of them fine clippers.

**The Steamer.**  
Sailed on Saturday last for Kauai, and returned on Thursday morning, with freight and passengers. She visited the ports of Nawiliwili, Koloa, Waimoa, and Hanalei, and took her departure for Oahu from Nawiliwili on Wednesday afternoon, at 4 P. M. Had a heavy sea in the channel, but made the run safely.

We are informed by Mr. Lovell, that his loss by the burning of Mr. Ray's house, noticed last week, was about \$1,000, and that he is left destitute by that unfortunate disaster. A reward of \$100 for the detection of the incendiary, is offered in another column.

**Leaving Our Streets.**  
On this subject, we find, on inquiry, that more has been done, in the suburbs of the town, than we were aware of. A map of the city which we have examined in the office of the Minister of the Interior, exhibits all the streets, alleys and thoroughfares, from the sea line to the distance of about a mile and a half inland and we notice laid down upon it, many convenient streets, where none now exist in reality. They have been laid out, but not yet opened.

Three streets, parallel, or nearly so, to Nuuanu Street, and three also crossing and intersecting these, are laid down upon the map, which, if opened, would be of great advantage to the city, and would bring into market many valuable lots, now of no avail as town lots. This is all well, so far as it goes; but they should be opened and improved as soon as possible. The Minister of the Interior is vested with the authority to make these improvements, and the Legislature has empowered him to commute for the lands necessary, and to give others in exchange. He can never do this to better advantage than at the present time, when they are mainly unimproved.

We notice on the map that where the new street is opened, designed as a continuation of Fort Street, it is laid down too far to the eastward, making an awkward turn, which would be dangerous in a travelled thoroughfare. It should unquestionably be altered, so as to be in reality a continuation of Fort Street, as it was designed; and this, not more for the improved appearance it would give that street, than as the remedy for several evils, that would ultimately be found to exist, if opened as laid down on the map. As an outlet for clouds of dust directly upon a private residence, and also forming two short angles through which horses and vehicles must find their way, this "jog" is very objectionable, and ought not to be perpetuated; and we hope our calling attention to it, will induce the proper authorities to revise the matter and correct it.

**The Question of War in Europe Settled.**  
The anxious suspense which has for many months hung over the question of peace or war in Europe, is at an end, and the Sultan of Turkey has declared war. The Grand Divan Council, by a unanimous vote, has sanctioned the measure, and our next accounts will be of war, with all its horrors.

Conjecture, all the world over, is busy with the inquiry, Will the war become a general European one, or will Turkey and Russia alone fight it out, and the weaker quietly submit to the stronger?—Should the war become general, it will be a long and bloody one, bringing distress upon the poor, and possibly popular rights to the oppressed. But should other nations stand aloof, Turkey will be pushed to the wall, and may share the fate of unhappy Poland; her territory partitioned off among the stronger powers, and her name no more known, except in the history of the past.

Time alone will develop the result, for which all will look with intense interest.

The Royal Hawaiian Agricultural Society are happy to acknowledge the receipt, by the Kremlin, of a bound volume of the New England Farmer, from Charles Brewer Esq., of Boston, as a donation to the Society's Library.

Mr. Brewer has become a Life Member of the Society, and it is with much satisfaction that we notice the deep interest still taken in the islands, by old residents here, who now reside in other countries. The Society is indebted to them for many favors, and much aid, in carrying out its objects.

**Steamer for the Sandwich Islands.**  
The fine screw steamer PEYTONA, built expressly to run between San Francisco and these islands, arrived out from New York on the 8th of November. She came under canvas around the cape, and was being fitted in San Francisco for engaging at once in the business for which she was designed. We learn that she may be expected here in a few weeks, where she will meet a hearty welcome.

The steamer excursion on the 10th inst. went off with much spirit, and was highly relished by the three or four hundred persons who embarked on board. She went out to the eastward as far as Cocoa head, and westward nearly to Barbours Point; returning in season to take her departure at 4 o'clock for Kauai. She gives another excursion to Pearl river to-day, where a grand LEAU will come off. She leaves the wharf at 10 o'clock, and will return by five.

The Concert of Sacred Music given by Mrs. Fiddes on the evening of the 9th, was well attended, and gave satisfaction to her audience. "Come with thy sweet voice, soft charity," by Rossini, elicited an encore, and received the highest commendations of the audience, in and out of the house. We trust Mrs. F. will appear again in sacred music, and have no doubt such concerts, at short intervals, would be well sustained in Honolulu.

Mrs. Pickford, whose arrival in the Zee from San Francisco, will be noticed in the list of passengers, is the oldest female, we believe, who has ever undertaken a voyage from England or the United States to these distant islands. She is 78 years old, and has arrived in health from England, to spend the remainder of her days with her son, Mr. Joseph Booth, who had not seen his mother for more than 30 years, until her arrival on Tuesday last.

**A New Flower.**  
A beautiful variety of FUSCHIA, sent by Mr. Janion from Valparaiso, is now in flower at Mr. Montgomery's. From a dozen plants sent, Mr. M. has succeeded in raising several, one of which is now in flower and will prove a valuable addition to the catalogue of exotics, with which he is taking so much pains, and is so successful in introducing.

On the 14th the King took a cruise off the harbor, in the schooner Kuluamau, belonging to Pierce Hegarty, Esquire. The schooner bore the Royal Standard. On passing the U. S. Ship Portsmouth, she fired a Royal Salute.

On the same day the Minister of Foreign Relations visited the U. S. ship Portsmouth, and was saluted with 15 guns.

The fine schooner Pav, formerly the Eagle, has been sold to F. Hegarty, Esq., and sails in a few days for Sydney. We understand she is a good staunch vessel, three and a half years old, and is in good condition for passengers.

**THE POLYNESIAN, SATURDAY, DECEMBER 17, 1853.**

**THE TURKISH GOVERNMENT.**  
The Turkish government had ordered a fresh levy of 150,000 men; and the clergy had offered to place 200 hundred millions of piastres at the disposal of the Sultan.

It is also reported that the Sultan had announced to the Turks that Persia would support the Empire against Russia.

Prussia, it is said, had refused to join Russia against Turkey. Neither England nor France was opening openly, while Austria was augmenting her forces on the Turkish frontier.

Advices from Smyrna, of Sept. 21st, state that on that evening Martin Kosztka, the Hungarian refugee, would sail for the United States on board the American barque Mimosa. This was to be done with consent of all parties concerned, and thus the matter, so far as Kosztka himself is concerned, was settled. Mr. Brown was at Smyrna, 21st, to see the business duly finished.

The cholera is committing greater ravages than ever among the Russian troops on the Danube, and despatches are very frequent. A new levy of troops has been ordered in Russia.

George Law has sold a quantity of muskets to Turkey.

**France.**  
In France business was quite paralyzed, in consequence of the unsettled state of affairs.

The report that France is sending troops to the East is still credited.

Political arrests are being made quite extensively. Two hundred persons had been seized within the last few days.

**MEDICATION OF THE UNITED STATES BETWEEN RUSSIA AND THE OTTOMAN PORT.**—The arrival of the steamship Atlantic, on Monday last, (says the Freeman's Journal) enables us to lay before our readers an extract from the letter of a private gentleman, who, writing under date of the 3d inst. from London says:

"I have just learned from a source that is entitled to the highest credit, that the United States government had issued, some weeks ago, instructions to its Minister at the Court of St. Petersburg, to offer to mediate the affairs between Russia and Turkey. It is said that the British public are indebted for this important information to the impudence of Hon. Mr. Soule. This may possibly have had its effect in suspending so long the efforts of a general war in Europe."

Arango, the great philosopher, died, aged 67, on the 1st October.

Letter writers from Paris state that a French army of 30,000 strong, is held in readiness to embark for Constantinople.

**Italy.**  
In Italy insurrections are threatening to break out in consequence of the Eastern difficulties.

The Piedmontese Government had refused to receive Mr. Forrest as Consul from the United States, alleging that he is a disciple of Mazzini.

**Spain.**  
Mr. Soule arrived at Madrid on the 22d ult.—The Government, it was said, had resolved to receive him as the Envoy of a friendly power, and to await his acts.

The Cortes was to be convoked for the 15th of November.

**The North West Passage Effected!**  
The honor of first passing around the north of the American continent, which has for centuries been attempted in vain, is now due to Commander McClure, of H. B. M. S. Investigator, who took his vessel safely through, without the loss of a single life. He discovered nothing in his three years' cruise, of Sir John Franklin.

An immense ship, exceeding in size the Great Republic, is to be built at Boston by Donald McKay. There appears to be no limits to the size of ships. Four thousand ton clippers will doubtless in a few years be sailing on the Pacific.

The St. Johns New Brunswick of the 16th ult. has a report that a federal union of the British North American Colonies is contemplated, and that measures for completing the union will be submitted to the several colonies at no very distant day. It is added that Lord Elgin's visit to England is connected with the contemplated movement. Quebec will be proposed as the seat of the general government. Each colony will retain its local Legislature, and manage its own affairs very much as at present; but a Colonial Parliament, composed of members from each province, will meet at Quebec, to pass such laws as may be required for the general guidance of the confederation.

The Salem Register says that Abbot Lawrence has announced his intention of bestowing \$50,000 on the Lawrence Scientific School, at Cambridge, in addition to the same amount given by him to that institution some eight years ago.

The books of subscription to the stock of the Atlantic and Pacific Railroad Company were opened for the second time at the Metropolitan Hotel. The attendance of would-be subscribers was large, and for nearly two hours subscriptions were entered as rapidly as they could be written down. In that time a little over two hundred dollars were subscribed, the list headed by P. T. Barnum, Esq., at \$600,000. The whole amount was divided among 108 persons, residing in all sections of the country, being an average of a little over \$120,000 to each subscription. The books were then closed for one hour, to allow the commissioners time for dinner.

The New York Herald announces that the editor of that paper, Mr. James Gordon Bennett, is a candidate for the nomination of the United States Minister to France.

Mr. Cox, late Secretary to the U. S. Legation at Rio, has arrived in Washington, bringing with him official copies of the two treaties lately negotiated by the United States representatives at Brazil and Buenos Ayres, Messrs. Schenck and Pendleton, with the Argentine States, which will open to the United States navigation and commerce with the rich countries of the Rio de la Plata and its extensive tributaries.

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**Honolulu Markets.**  
Friday, Dec. 16, 1853.  
Trade during the past week has not experienced any material change. There continues a dullness in all branches of business, and there is but little hope for improvement for some time to come. The retailers do but little, consequently their purchases are small. The stock of merchandise in store is full. Adequate for present supply. In purchases there is nothing of importance doing. A lot of Hawaiian cured Beef was sold on Tuesday for \$15.

There is but little inquiry for Money, and Exchange on the U. S. has been sold during the past week as low as 7 per cent discount.

**Imports.**  
Per brig Zee—400 kegs powder, 100 c. Wm. 100 5 cases mds, Porter & Ogden; 4 do, Saml C. Allen; 6 do, 70 chests tea, 100 Co. & Co; 50 bbls beef do, 3 try pots, 20 bbls butter, 2 c. Co. & Co; 2 do paper hangings, 1 do silk hdkts, 60 sacks barley, 400 lbs tea, 10 bags potatoes, James Miller; 1 bale 3 cases Van Hout & Heuck; 1 package specie, 2 crates; 1 case cheese, J. C. Spalding; 10 kegs mds, Gulick & Clark; 5 do J. T. Waterhouse; 1 do, Wm. Allen; 2 do, August Hebling; 21 boxes oysters, Lewis H. Anthony; 60 pkgs mds, Fieldheim & Co; 14 do, 100 pkgs H. H. Haddock; 2 bags specie, Dowry I case, Lewis & Co; 100 lbs Java, Dorech & Steinhilber; 30 pkgs, 100 bags, E. E. Mohr; 1 pkg specie, H. H. Haddock; 1 do, 17 pkgs mds, J. F. Spoor; 1 pkg specie, Rice & Co; 1 do, Kyrath; 1 do, Aldrich & King; 3 trunks, Wm. Allen; 1 case, J. P. Dow; 1 pkg specie, C. A. Williams; 1 do, E. C. Mohr.

**Merchandise.**  
ENTERED FOR DUTY FOR THE WEEK ENDING DEC. 15TH.  
1 case 1 cramp lamp, 70 lbs 5 bbls bread, 25 cases boots, brown & tan, 4 do to roll carpeting, 1 do alpaca, 125 galls oil, 100 kegs butter, 4 cases 1 cramp crockery, 4 cases confectionary, 3 do spec, 1st do sundries, 2 bbls shoulders, 5 times cheese, 2 cases rice, 3 cases glass ware, 2 bbls 4 cases cotton, 100 lb plant to bbls ale, 1 bale cotton hatts, 1 do cloth, 3 cases hose, 2 do fancy goods, 1 bale de Laine, 24 cases 3 bales cloth, 50 do pipes, 500 galls cake, 3 galls, 10 cases preserved fruits, 14 do candles, 1 do cutlery, 1 bale ticks, 1 case hatts, 253 cake grain, 2 coils cordage, 2 boats, 1 case jewelry, 60 lbs beef, 7 do pork, 6 bales hay, 3 cases paper hangings, 20 pkgs tea, 3 try pots, 1 case beef, 3 cases lard, 1 do meats, 2 do blankets, 10 pkgs, 90 do cotton, 4 bags onions, 22 cases China goods, 5 cases dunnage. Invoiced at \$44,226.31.

**SPRITS ENTERED IN BOND.**  
1 qr case, 5 bbls 1 keg brandy.

**GOODS ENTERED IN BOND.**  
1 case jewelry, 1 do cutlery, 5 do tobacco, 6 do worsteds, 1 case hatts, Invoiced at \$3,715.

**SPRITS WITHDRAWN FOR CONSUMPTION.**  
1 bbl 13 cases wine, 1 case 2 cases gin, 15 cases cordials, 3 kegs, 1 bbl, 7 qr case, 3 cases brandy.

**WITHDRAWN FOR EXPORT.**  
15 cases brandy, 1 keg 3 bbls do.

**GOODS WITHDRAWN FOR EXPORT.**  
55 cases sp oil, 303 bbls provisions, 24 do 13 cases flour, 3 bbls butter, 1 case hatts, 3 cases bread, 40 cases, 45 bbls shooks heads, 40, 500 galls, cake. Entered at \$9982.12.

**WITHDRAWN FOR CONSUMPTION.**  
15 bbls provisions, 11 cases bread, 7 do flour, 510 galls. Entered at \$8117.61.

**PASSENGERS.**  
By the Zee, from San Francisco.—J. H. Anthony, Esq., lady, 3 children and servant, J. M. Kakee, lady, 3 children and servant, Mrs. W. Harris and child, Mrs. S. Pickford, Messrs. T. Pickford, E. C. Mohr, B. Phillips, M. Phillips, A. Heibing, N. Parker, W. Eutis, C. Taylor.—23.

By the Cores, from New London.—Benj. Perkins, R. Zorpey.

By the ship Waverly, which cleared from Boston on the 18th of October.—Mr. Spencer of New Bedford, Mr. and Mrs. Hutchinson of Nashua, Mrs. Huxsey of East Boston, Mr. J. E. Chamberlain, Misses M. J. and M. A. Chamberlain, Miss A. E. Clark and Miss J. Knapp.

**MARINE JOURNAL.**  
PORT OF HONOLULU.

**Arrived.**  
Dec. 16—Am wh sh Rambler, Willis, 1700 wh, 2400 bone.  
12—Am wh sh Columbia, Capt. Hoo wh, Hooe bone.  
13—Am wh sh Galois, Baker, 30 wh, 100 wh, 2000 bone.  
14—Am wh sh Zee, 23 days from San Francisco.  
15—Am wh sh Cores, 18 days from New London.  
16—Am wh sh Hercules, 18 days from New London.  
17—Am wh sh Zee, 18 days from New London.  
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**Memoranda.**  
The Zee, Capt. Paty, sailed from Port Point, bay of San Francisco, on the 21st of Nov. Her passage was made in 22 days, having experienced much southerly wind and calms. She brings eighty thousand dollars in specie, and a general cargo of merchandise.

**NEW STORE!**  
PER BRIG "ZEE."  
THE UNDERSIGNED, just arrived from San Francisco, offers for sale at the lowest market price, a large assortment of Merchandise, principally composed of

**Dry and Fancy Goods.**  
Silks, Jaconets, Lawns, De Laines, blk col'd and fig'd Alpacaes, Irish Linen, Mantillas, Ladies' Skirts, Silk fancy Silk, Cottons, Silk Pocket Hdkks, blk Tartan Ribbons, Ladies' White Hose, Toweling.

**Clothing.**  
Linen and Alpacaes Coats, Linen and Cottonade Pants, Satinet do, Cassimere do, white Linen Bosom Shirts, Jenny Lind do, Calico do, Silk Under Shirts, Merino do, Pink and Brown Cotton do, Regatta do, Lace Drawers, &c.

**Boots and Shoes.**  
Cases Gent's Calf Boots, do Monterey Ties, patent leather do, Slippers, Ladies' Boots, do Shoes and Gaiters, in leather, wool and silk.

**Hats and Caps.**  
Cases brush and wool California and Kossuth Hats, Southwestern, blue Navy Caps, with oil silk covers, sailors' Glazed Hats.

**Sundries.**  
Zephyr Worsteds, assorted Cutlery, Perfumery, Fancy Soaps, Ivory Combs, Dress do, Razors and Razor Strops, Shaving Cases and Brushes, Hair and Tooth Brushes, blk and brown Linen Thread, Spool Cotton, tailors' and sewing Needles, cases Matches, do Cheating Tobacco, &c.

**HELING.**  
Cor. King and Mauna Kea sts.  
Honolulu, Dec. 15, 1853.—31-32

**NOTICE.**—Foreign Residents in Honolulu are hereby notified, that according to section 2 of the Act to provide for the instruction of the children of foreigners, and those of foreign extraction in the city of Honolulu, and other places in the kingdom, an election will be held at the Court House on Monday, the 26th day of the present month at 10 o'clock A. M., for the purpose of choosing the "School Committee of Honolulu."

R. ARMSTRONG.  
Min. of Pub. Instruction.  
Honolulu, Dec. 12, 1853.

**NEW GOODS!**  
H. F. SNOW  
HAS RECEIVED FROM SAN FRANCISCO  
by late arrivals, and offers for sale

BLACK ALPACCA,  
BROGANS,  
OIL CLOTH CARPETING,  
Woolen Carpeting, &c., &c.

**RICE & CO.**  
OFFER for sale the following assortment of merchandise, received per "Chilo":  
Quilted Saddles, Horse Brushes, Girth Web, Raw-hide Whips, Silver-mounted Riding Whips, Heavy Team Whips, Wood-stocked Lash Whips, Enamelled Cloth for Carriage Tops, do do for Furniture, Curry Combs, Horse Cards, Cattle Cards, Wagon Collars, Team do, Brass-mounted Harnesses, Japanese do, Bridles, Martingales, Heavy Brass Spurs, 200, 250, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 400